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328, Oxford-street, Oct. 1, 1813.

SIR,

I beg leave, through the medium of your paper, to apprise his Majesty's ministers and the legislature of the British Empire, that I have matured an invention to facilitate the progress of knowledge, and otherwise largely to benefit the public; but this invention being also calculated to give an unrestrainable liberty to the press, I wish to be informed if his Majesty's government have any objection to its introduction. I am, Sir,

Your obedient servant,

R. WEDGEWOOD.

N.B. This letter is to every Editor of periodical works who may chance to read it, and who feeling an interest in the progress of science, will oblige by inserting it.

THE TRIAL OF ROBERT TENNENT.*

GENERAL QUARTER SESSIONS OF THE PEACE FOR THE COUNTY OF ANTRIM.

ANTRIM, OCTOBER 8.

The King, at the prosecution of the Rev. EDWARD MAY, against ROBERT TENNENT, Esq.

This Trial came on before Richard Dobbs, Esq. Assistant Barrister, and the following bench of magistrates:

The Earl of Massareene, Rev. Philip Johnson, Jackson Clarke, Esq. Rev. Dr. Macartney, Langford Heyland, Thomas

Benjamin Adair, Peter Aickin, and Stafford Whittle, Esqrs.

Doctor Tennent having been arraigned in the usual form, for an assault on the Rev. Edward May, at Belfast, on the 18th of August. The following were then sworn of the Jury:—

Thomas Dickey, (Ballymena,)
Stafford Church, (Ditto)
Wm. Young, (Ditto.)
John Dickson, (Ditto.)
Thos. Macaulay, (Glenoak.)
John Bruce, (Antrim.)
Arthur Moore, (Kilmacavet, Killead.)
John Scott, (Springfarm, Antrim.)
Sam. Johnston, (Ballyarnet, Muckamore)
Andrew Johnston, (Ballyharvey, Ditto.)
Wm. Gore, (Goremount.)
Wm. J. Gillespie, (Killead.)

* Enlarged and corrected, as well from the account published in the two Belfast News-papers, as from the notes taken by two other persons in court.

Counsellor Torrens rose and said, Gentlemen Magistrates, and Gentlemen of the Jury, I am Counsellor on behalf of the Crown, against Mr. Robert Tennent the traverser. It shall be my study to detain you as short as possible; but though I should find it necessary to detain you some time, it will be that I may lay before you a correct statement of the occurrences concerning which you are called upon to judge this day, and the whole circumstances of which shall be detailed in evidence. I am Counsel on behalf of the Rev. Edward May, a Clergyman and a Magistrate. In this case, it is no common person who is charged with a breach of the peace, it is not the act of a low and ignorant person, such as are usually found at that bar in such cases: no, he is a person of opulence, of respectable rank, and of liberal education; of course, he ought both to know and respect the laws. This cause has excited no common degree of interest, though why it should have done so, I know not, unless it be from the respectability of the persons connected with it. One thing, however, it is satisfactory for me to observe, that it is not connected with party spirit, either political or religious. It occurred at a meeting called for the purpose of inquiry into the causes which led to the death of some persons on the 12th of July. On that day, as has long been the practice, many persons had assembled to celebrate the return of the anniversary; and I may be permitted to say, that however men may differ in their opinions, that it will still be recognized as an era dear to the heart of all who respect the principles which were established at the Revolution; and whilst we allow the differences that must prevail in men's sentiments, yet that will still be cherished by all who regard it as a happy event in the history of their country. Until lately, the celebration of that day had not produced any occurrence tending to disturb the peace; and, on the 12th of July last, a large party assembled at Lisburn for that purpose; and in the evening, when a number of them were returning to Belfast, they were assaulted by a tumultuous mob, and were obliged to take shelter in the house of one Thompson. This house, however, was attacked, and would have been destroyed, had not the persons who took shelter in it fired out of it, by which two persons were killed. It was, he observed, unnecessary for him to go minutely into the particulars of that occurrence. These transactions naturally

excited the regret of every well-wisher to the peace of the country, especially by having taken place in so populous and respectable a town as Belfast. In consequence of this, a number of gentlemen signed a requisition to the Sovereign to call a meeting of the inhabitants to inquire into the causes which led to such unhappy consequences; but I submit to the learned Counsel opposite, that that was the duty of a Coroner's Inquest, and of a Court of Assize, and such was Mr. Verner's opinion. Many gentlemen, however, thought otherwise; and Mr. Verner deferred to their wishes, and summoned a meeting for the 28th day of July last. When it was held, Mr. May was present, and gave it as his opinion, that they were not following the proper mode, nor was it the proper time. He conceived that it would be better to allow the Assizes to be over first, because the subject would of necessity come on there. The Assizes having arrived, the causes accordingly came on, and created great interest; for though the facts were certainly connected with two parties, yet the particular circumstances which were now to be inquired into, were in no wise connected therewith. In fact, they were totally disconnected; and I state this at the present moment, that they may be kept separate in the proceedings of this day. At the Assizes, the subject underwent the most patient examination and discussion. Twenty-six witnesses were examined, and the most eminent Counsel were employed. The trials occupied two days, and they were decided upon by two juries; and so far they were surely satisfactory to the law, and to the government who had directed the prosecutions to take place*. Some of the persons were found guilty. It appeared that those who were attacked were a peaceable class of people, and that it was those who made the attack upon them, that were the cause of all the mischief that followed. When I state this, I lay before you what was the language and opinion of the Judge. After what took place at the Assizes, it was hoped and expected that no person would deem any further proceedings necessary, nor think of calling upon the Magistrates to hold another

* There must be a mistake in this statement. The prosecution of the Orangemen was not carried on by the directions of government. Perhaps their defence might. B.M.M.

meeting. It was not, I say, supposed, that after the Judges had delivered their opinion so clearly upon the point at the Assizes, any persons should be found in Belfast or elsewhere, who would presume to call that opinion into question. But such was not the opinion of some of those who composed this self-constituted assembly. Some Magistrates had withdrawn their names from the requisition; but this was not sufficient, there still remained some active citizens, who made up for the smallness of their number, by their activity, not to say their presumption. Did they again call upon the Sovereign? No; but an anonymous hand-bill was circulated on the morning of that day, with a degree of activity proportioned to the magnitude of the mischief that was intended. This hand-bill did not call upon the gentlemen of property and citizens of respectability to attend the meeting. No; but it was addressed to, and circulated amongst the lowest of the mob—and for what? that they, this rabble, should tell the Judges and Magistrates of the land, that they were not the fit persons to declare what was the law, for that the leaders of this self-constituted assembly knew it better. I shall support this statement of the fact, by evidence taken out of the mouth of the traverser himself. Gentlemen, all that I have addressed to you, is merely the narrative of the case, in which I may have appeared tedious, but I shall now endeavour to repay you with facts. In consequence of the anonymous hand-bill, a meeting took place at 12 o'clock. The Sovereign, who had been apprized of the meeting by the circulation of the hand-bill, had previously applied for the advice of some other Magistrates, who he informed of the bill, and that he apprehended the meeting might proceed to measures which he could not controul, and that too after the judges had set their seal to the matter. He requested the attendance of the Earl of Massarene, Mr. May, and several other Magistrates, hoping that their presence would have the effect of preserving tranquillity. Little, however, did he expect that a scene of such riot and disorder should ensue; little did he expect that the Magistrates should be insulted, and that a person of opulence and respectability in Belfast should be the first to promulgate the opinion, and that he should be told to his heard, that the Judges were not the men who should regulate their proceedings

and declare the law. Mr. Verner, however, showed a great degree of prudence and discretion. He informed the meeting of what the judges had said, and also of what it was his intention to do; and here I come (said Mr. Torrens) to the lamentable point of the case which occupies the Court this day, and has excited so much interest in the country. What said the traverser upon this occasion:—It is true, said he, the Judges have declared an opinion, but what have we to do with what they say; their opinion is not to govern the proceedings of this meeting. Mr. Verner replied, Sir, though their opinion may not govern you, it shall govern me. Mr. May then added, Sir, I am not surprised that should be the opinion of you and your brother. And I shall now tell you why it was that he mentioned his brother upon this occasion. It was his brother, Mr. Samuel Tennent, that he meant, because of his having been accused of being concerned in the riots of the 12th of July, on account of which a Bench warrant had been issued out against him. Was it not natural for Mr. May to take up this circumstance, when one brother had become a fugitive, and another was propagating an opinion that the Judges of the land were not to be attended to. The observation was called for, not merely from his character as a Magistrate, but *his cloth* rendered it his duty to rebuke and reprove such offensive words. If Mr. May had transgressed in delivering this opinion of Mr. Tennent, who, we have seen, wished to erect a tribunal in opposition to the laws; if he maligned him, the law was open, but if he had resorted thereto, it would have been in opposition to the law, for he had just before said, that the Judges of the law should not regulate his conduct. But had Mr. Tennent adopted other conduct, and Mr. May transgressed, the latter would have been at that bar to meet your judgment this day. The words, however, had scarcely escaped from Mr. May, when Mr. Tennent darted across

If *cloth* is to confer the privilege of reproofing magisterially, it would be well to see it previously exercised in assisting the owner to correct his own petulance. Before they are privileged to reprove others, the learned counsel should recommend the more troublesome task of self-correction to clergymen.

B.M.M.

the circle formed by the people, seized Mr. May by the arm, and shook it violently. Gentlemen, you will observe the person of Dr. Tennent, his arm is not imbecile, and I must request you will bear it in your recollection, that he lately was a legislator, and is now the executioner of the law. He seized Mr. May, and shook him; this is a griping of the flesh, this is a tangible assault. Mr. May, feeling it so, said, Sir, you have assaulted me, and immediately seized him; and, had he not done so, there was reason to fear, that scenes similar to the 12th of July would have again disturbed Belfast. I have thus (said Mr. Torrens) put you in possession of the facts you have to try, and the circumstances that led to it. I am satisfied, however, that whatever were the intentions of either, they were no ways connected with religion or political parties. It is true, that of the two parties here, one is a religious character and a Magistrate, and the other is the traverser, who, by himself, and those who were abetting him, were bearding the Magistrates by an overt act of violence. I shall now state a few other facts, and these, I hope, will enable you, who are gentlemen of intelligence and assiduity, to comprehend this case fully. I have informed you, that Mr. Verner apprized the meeting of the judicial decision at the Assizes, and that he had declared the meeting to be dissolved.* Upon giving this intimation, Mr. Tennent

said, Sir, you have no right to do so. This, you will observe, was not addressed to Mr. May, but to Mr. Verner, the Sovereign, as if to show what were the aggregate sentiments of the meeting. Had the words alone been used by Mr. Tennent, had he declared himself to be the head of the Legislature of Belfast, and that he was equal to the King, Lords, and Commons in Parliament assembled, his vanity and presumption would have been laughed at; but he immediately followed up his declaration, by grasping hold of Mr. May, and thus leaving it no longer in the shape of constructive, but giving it all the force and form of a tangible assault. The prosecutor immediately said, let me alone, Sir, or I will commit you. And I will produce to you many respectable witnesses to substantiate the facts I have detailed. Whatever the case on the other side may be, whether they shall be able to make it appear, that his starting across the circle and seizing Mr. May was merely a forcible manner of expressing his sentiments, I am fully persuaded you will pay that attention to the evidence, that will enable you to give a verdict according to the facts. But from these it will clearly appear, that there was neither religious discontent nor political differences connected with this case. Gentlemen, I have detained you too long, and I shall not add a word more.

[On the motion of the counsel for the prosecution, the Court ordered that all the witnesses should retire until called*, and the agents having exchanged their lists, the witnesses were accordingly taken to the Grand Jury Room. Counsellor Perrin objected to the exchanging the list of the

A singular mistake appears to have arisen in the minds of the Sovereign and his assistant Magistrates, that the right of holding and continuing a town meeting depended altogether on his condescension. No law requiring his sanction exists in Ireland. The inhabitants of a town or place may meet to discuss public measures, may, or may not, appoint a justice of the peace, or chief magistrate as chairman, and may displace him if he refuse to act according to the will of the majority: and if no illegal act is committed by the persons assembled, the Sovereign, or other Magistrate, cannot dissolve the meeting.—See Counsellor Gilmore's Speech at the opening of the defence. If the inhabitants of Belfast, at their town meeting, had acted in support of their rights with becoming spirit, they ought, on the attempt to dissolve the meeting *illegally*, to have chosen another chairman.

B.M.M.

* This procedure is not only contrary to usual practice, but might in many cases defeat the ends of justice. In some instances it may be necessary to rebut the evidence given by that of some respectable person, who might be in court. The exchange of lists of witnesses would prevent the benefit of adducing such evidence.

This mode also gives an unfair opportunity of previously arranging a cross-examination. A suspicious witness may sometimes have been ordered out of court, but it is a new and strange rule of a court to order the names of witnesses to be given in before the commencement of a trial. The law gives no such power, except in trials for high treason, according to a special statute.

B.M.M.

witnesses, as being contrary to the proceedings of any regular court with which he had been acquainted. The Rev. Philip Johnson addressed the Court as senior Magistrate, and said he thought it very proper that lists should be exchanged, and the witnesses ordered out of court.]

The Rev. Edward May examined.

Is a Magistrate, and Vicar of Belfast. Has been a Magistrate for eight years. Has heard of the affray that took place on the 12th July, subsequent to which there was a requisition to the Sovereign to call a meeting of the inhabitants. Mr. Whittle, Mr. R. Grimshaw, and Mr. R. Tennent, were the persons who waited on the Sovereign. Witness stated to Mr. Verner that he considered the meeting was improper, as there was then a considerable degree of ferment in the public mind; and that if witness was chief Magistrate he never would comply with such requisition; but that as Mr. Verner was well known to be an Orangeman, there was some delicacy in his opposing it; and that, therefore, it would be prudent in him to comply. Mr. Verner said he would call the meeting; but must at least allow some time for the public mind to subside, and appointed the 28th July. [The witness was proceeding to state what conversation had occurred between him and Mr. Verner on the evening preceding the 28th of July, but was interrupted by Mr. Perrin, who desired him to state nothing which did not occur while the traverser was present.] Witness went to the meeting, and stated the great impropriety of discussing the subject at any time, but more particularly immediately before the Assizes, as the persons were then in custody to take their trials for the offence, and as many persons present might be called upon to act as Jurors; witness therefore moved, that the meeting should adjourn *sine die*. Witness finding from the temper of the meeting they would not quietly consent to the adjournment, unless a day were named, he therefore made a compromise in his own mind, as he considered any thing better than holding the meeting at that time, and after some debate, it was then adjourned till that day three weeks. Witness attended at the Assizes at Carrickfergus. [Here Mr. Perrin again interrupted him, by objecting to his stating any thing relative to the Assizes, as it was completely irrelevant. Mr. Hamilton appealed to the Bench,

stating that he conceived that every circumstance relative to the meeting and the Assizes had to do with the business. Mr. Perrin shortly replied, that the indictment was against Mr. Robert Tennent for assaulting Mr. May, not at the Assizes, but on the 18th of August, at Belfast. The question was given up.] Witness attended at the adjourned meeting, as a Magistrate, with Lord Massareene, by particular desire of the Sovereign. On arriving at the Exchange, saw a most numerous mob, *mob he will say*, consisting of 1500 or 2000 of the very lowest orders of the people. They got, with considerable difficulty, within the piazza, in order to go up stairs. It was then proposed to adjourn to the Brown Linen-Hall, as the Exchange-rooms did not seem large enough to contain the people. Mr. Verner objected to this, saying, he did not know any place that would be large enough to hold such a mob as was there collected. Mr. Robert Getty said, that no persons could be considered a mob until they had conducted themselves riotously. Mr. Verner said, it was a mob collected by an improper hand-bill.—[The hand-bill was here produced, as follows:]

“TOWN MEETING.—You are requested to take notice, that the Adjourned Meeting of the Inhabitants of this Town, takes place this day at one o'clock, at the Exchange-rooms.—Belfast, 18th August, 1813.”

This notice is not the same as that issued by the Sovereign, which was addressed to the “principal inhabitants.” Some conversation took place on this subject, when witness and Mr. Verner both expressed themselves with considerable warmth about the line of conduct that had been pursued, in throwing censure on the magistrates. Mr. Verner not wishing to injure the rooms, said he would proceed to business there. Witness always kept close to Mr. Verner, who stood with his back against one of the sides of the door; witness was on his left hand, and Mr. Tennent, with Mr. Grimshaw, Mr. Getty, and Mr. Ferguson were opposite. After reading the requisition, Mr. Verner said, that the subject had already been discussed, the Judge had given his opinion, and a verdict pronounced on each of the parties. At this time there was a small vacant circle formed round Mr. Verner; Dr. Tennent was to the right of the Sovereign, behind one or two persons. Mr. Verner having

stated, that as he conceived the judges were the proper persons to try the question, any farther discussion there would be improper and illegal, therefore he considered it to be his duty to dissolve the meeting. At this there were great marks of disapprobation. Mr. Tennent was commencing a reply; when witness whispered to Mr. Verner, that as he had dissolved the meeting, it would be prudent in him to prevent any discussion. He then addressed himself distinctly to Mr. Tennent, saying, he would not hear any one, as the meeting was dissolved. Mr. Tennent replied, that the opinion of the Judges of the land was not to influence the proceedings of that meeting, and that he hoped he would allow the business to go on. Witness observed, "that it was not the opinion of persons of his description that was to influence the Magistrates of the town of Belfast." Mr. Tennent said, "the opinions of the Judges of the land, were not to guide or govern the opinion and conduct of the people of Belfast." [Here Mr. May observed that his memory must be pretty correct as to the words, because he remarked to Mr. Tennent, when he read over the statement of facts,† which

the latter had prepared in the court-house, that there was only one word different between Mr. Tennent's admissions and his examinations, whether the word was *govern, guide, or influence*.] Mr. May, added, "these are just the sentiments I would expect from you or your brother." In making this observation, witness alluded to Mr. Sam. Tennent. [Here Counsellor Perrin objected to the introduction of Samuel Tennent's name, as he was not on his trial. The Rev. Philip Johnson interfered, and said he thought Mr. May's evidence on this point of material importance, and his sentiments and feelings of the utmost importance.] The instant witness made the remark, Mr. Tennent rushed across the Sovereign, and seized him by the arm; shook it, and shook him violently by it; desiring witness not to make use of such language, or to introduce his brother's name, or words to that effect. Witness upon this, said, "Sir, you have assaulted me, and I will commit you to the black hole:" he made some reply, but which witness does not recollect, being somewhat flurried. Witness seized Mr. Tennent, and called to a constable to take him into custody, and im-

† The following is Robert Tennent's Statement above alluded to.

"On the 18th of August, 1813, being present at an adjourned meeting of the inhabitants of the town of Belfast, legally assembled in the Exchange of said town, the Sovereign in addressing the meeting observed, that the matters for which the meeting was originally called, had in the interim been decided upon by a Court of law, and the opinion of the Judge, on addressing the prisoners indicted for the riot, before passing sentence was, that they were the cause of the late disgraceful proceedings in the town of Belfast on the 12th of July last; and Mr. May having observed that no one would be hardy enough to controvert the opinions of the Judge, or words to that effect, I addressed myself to Mr. Verner, the Sovereign, and said, that I conceived the opinion of the Judge delivered on that occasion, was not of sufficient authority to govern the deliberations of the present meeting, being legally assembled. Mr. May here interrupted me, by saying "it is not indeed sufficient for such persons as you and your brother," on which I reached across the Sovereign, who was standing between

us, and laid my hand quietly on Mr. May's arm, with the view of more particularly soliciting his attention, and said, beware how you mention my brother, or make improper allusions to a person who is absent; Mr. May instantly replied, Sir, if you touch me I will send you to the black-hole; I said, no Mr. May, you cannot send me to the Black-hole; he answered, yes I can; I repeated, *that I believe is beyond your power, or that would be a stretch of power, which I suppose you will not resort to, or words to that effect, having no idea that violence or brute force would be used on such an occasion.* This conversation continued about a minute, when Mr. May, after some hesitation, stepped forward and violently seized me by the breast, by which my shirt and waistcoat were torn, and the handkerchief about my neck loosened, and called loudly to persons about him, who seemed to have been placed there for some such purpose, to take me immediately to the Black-hole; on which I was directly seized by them, and roughly, and violently, and with many outrageous expressions, dragged through the streets of the town to the Black-hole in Ferguson's-entry."

mediately after swore examinations against him. When the traverser was taken to the Magistrate's office, witness stated his complaint, and said he had been seized in a violent manner; traverser said, "Well, sir, what business had you to make use of my brother's name." Witness at this time feeling himself very warm, and being much flurried turned round to Mr. Verner and asked what were the words made use of, and on being told, said to Mr. Tennent, you cannot be surprised if I did introduce the name of your brother, as he has been charged as one of the ring-leaders concerned in the affray on the 12th of July, and that bills of indictment had been found against him, and a Bench warrant issued for his apprehension.

Cross-examined by Mr. Perrin.

There were several very respectable names to the requisition; persons who were unlikely to collect people for an improper purpose; he is sure they would not on due reflection; he is sure they were actuated by good motives. Thirty or forty signed that requisition, among whom were many loyal men. As an argument for adjourning the first meeting, witness stated, that at the adjourned meeting they might then institute such proceedings as they thought proper.

Q. Do you think such a resolution as the following, would be proper and laudable—

"That as the happiness and prosperity of a country is best promoted by the unanimity and good conduct of the people, it is the duty of every loyal subject to live on terms of peace and amity with his neighbour; and that we will discourage, by all means in our power, every species of party spirit, which may have a tendency to keep alive animosity amongst the people of this country."—A. I do.

Witness believes it was the intention of the meeting to move such a resolution.

Q. You agreed that an adjournment should take place to the 18th of August. A. The meeting was forced on Mr. Verner and witness, as unless a meeting was appointed, the agitators would have then persevered in the object of the requisition on the eve of the Assizes, and have divided the meeting to the last man. Under this circumstance he agreed to the meeting taking place. His sentiments expressed to the Sovereign were, "that the purposes of the meeting were improper, but if a

meeting was not appointed, violence might take place!" Witness therefore made a compromise in his own mind, to fix the adjournment.

Counsel. *Which compromise you did not mean to keep.* Witness supposed it was the opinion of the people of Belfast, that the adjourned meeting should take place; witness did not expect any further meeting, as he did not think the people of Belfast had any right to institute an inquiry into the business. Witness thinks the Sovereign the proper person to issue notices of public meetings*; considers the anonymous notice as perfectly true, but disrespectful to the Magistrates, and went to the meeting hurt at this mark of disrespect. It is usual to hold meetings in the Exchange; the rooms were not open, as the Sovereign had taken the keys; on the 28th of July the meeting was very numerous; had the appearance of a mob; no act of violence was committed, but it was apprehended there would be a discussion that might rouse a great deal of party spirit. There were some persons who insinuated, that the magistrates were not active, and who thought had the magistrates interfered, no riot on the 12th of July would have taken place. Admitted that magistrates ought to be active on such occasions. Witness was anxious that the discussion should not take place. The people at the first meeting would not have dispersed unless he had compromised.

Q. Was it not understood that the adjourned meeting was to be held by authority of the Sovereign, and did he ever countermand it. A. No, he never did countermand it, but they never called on him again to publish it, though they complained one newspaper would not advertise it without the Sovereign's order, and thought they might have taken that hint! Had the mob been prevented on the 12th of July, there would have been no mischief, thinks it the duty, not only of Magistrates, but of every lover of peace and good order, to have preserved the peace, and is persuaded, that if certain individuals in the town had exerted themselves to prevent the mob, they would have been more effectual than any thing the Magis-

* Irish liberty is not yet so low as to be placed altogether under the padlock of a Sovereign or chief magistrate, as would be the case if no public meetings could be held without his presiding. B.M.M

trates could have done. At the meeting on the 18th of August, witness and Lord Massareene were requested by the Sovereign to attend; would have attended at all events; witness stated in his examinations that he had attended in consequence of the requisition from the Sovereign, witness did not swear any thing material without due consideration, but admits he was under a considerable degree of mental agitation when he swore to his examinations, and that his recollection then was not as good as at present. [Counsel here remarked that he presumed Mr. May's memory improved in proportion to the lapse of time, and that as a clergyman he ought well to know the nature of an oath, and was confident he would swear nothing without full consideration.] Immediately before the assault was committed, Mr. Tennent was between two and three yards distant from witness, who was perfectly cool and collected, not agitated, had taken no precaution for protecting himself; Mr. Verner had a sword-cane; no other person armed, no persons went to the meeting armed by any order from witness or Sovereign; no pistols there; took a cane from Mr. Verner, the sword in it was not drawn by witness; at a peaceable meeting, a man might draw a sword-cane and not know it. Is sure the sword was not drawn. He might have pulled it up in handling it playfully; witness held the cane while Mr. Verner was reading the requisition.

Counsel. Your object in going to the meeting was to prevent violence, and yet one of the first observations made was, that the meeting was a mob.

Witness. There was not ten persons whom I had ever seen before, at the meeting. Presumes they were inhabitants; does not know all his parishioners; many of his parishioners not of his flock; (Query by Counsellor Perrin,) you get titles from them all, and might you not therefore know them?

Counsel. Mr. John S. Ferguson was there, is he a man who was at all likely to foment disturbance? A. I don't think he is.

Is Mr. Bradshaw a man likely to engage in any thing illegal? A. I think not; he is a very sensible man. Q. Do you think that Mr. Ferguson is a sensible man? A. That is a very extraordinary question. In many circumstances I think he is a very sensible man, but in others I do not, such as lending his name to that meeting.

BELFAST MAG. NO. LXIII.

Q. Probably he may think some other person did not act right. A. May be so.

Q. Do you think that when Mr. Verner used the word *mob*, it was not calculated to irritate? A. I cannot say, but when I see a mob I would call it a mob. Their intention was to prevent either party from going into the room; original intention to go up stairs; went into the lower part of the Exchange with that intent; door was not opened; Mr. Verner took out the key, and asked witness whether they should go up stairs; witness advised against it; they were near the door-case; made those remarks after the proposal to adjourn; his intentions were to have gone to the regular place to adjourn it.

Q. Do you think that Mr. Ferguson, Mr. Getty, and such persons deserve to be called a mob? A. No, but were I in such an assembly as was there, and any person to call them a mob, I would think the term applied to the bulk of the meeting, not to myself, and so I suppose, would they think in such a case; some persons were provoked, and expressed themselves in a loud and violent manner. Mr. Getty thought a number of peaceable inhabitants were not a mob, though they were not the principal inhabitants. Witness considered the hand-bill illegal, and expressed himself with warmth.

When Mr. Verner told the people that he did not know any place that would hold such a mob, witness did not conceive that any part of the expression applied to him; does not think that a meeting of the inhabitants is a mob; thinks the hand-bill both improper and illegal; wishes persons would follow his example, and express their opinions openly.

[Mr. Perrin. You wished people to express their sentiments openly, and you thought the best means of affording them an opportunity of doing so was by dissolving the meeting.]

One consideration that influenced him to make the compromise, that he preferred discussion at the meeting rather than through certain anonymous publications*; does not think that the

* Perhaps the pages of the Belfast Magazine were alluded to, as publications in which the rights of the people are set forth and defended. We thank the witness for his unintentional compliment.

meaning of the expression made use of by Dr. Tennent, was that the opinion of the Judges on one occasion, should not govern the conduct of the inhabitants of Belfast on another subject, and that Mr Tennent meant great disrespect to the Judges. [A paper was here handed to witness, purporting to be the examinations that were tendered against him at the office of the Magistrates.] Witness said, it was like the paper, but really could not swear positively. It was alleged, that at the meeting witness had spoken of the traverser's brother William, witness said, "I give you my honour he was farthest from my thoughts."* Had no pique against Mr R. Tennent, had a difference with his brother William. Witness does not know whether it was the left hand or the right with which Mr. Tennent assaulted him. The conduct of the witness after the meeting broke up was rather warm. Did not recollect precisely the words used by traverser. Refreshed his memory by his friends. [On reference to some words in the examinations, as to the time of the supposed assault, whether he meant "immediately," Counsel commented, and asked whether the jury were to believe witness now, or what he had sworn in his examinations.†]

* When the cause of Mr. Tennent's addressing Mr. May at the Exchange, and his laying his hand on him was spoken of in the Court-house, Mr. May utterly denied having ever mentioned Robert Tennent's brother's name. Mr. Tennent insisted that he had; he then said, that "even if he had, he was justified in making use of the expression towards a person, whose sentence of transportation had been commuted for banishment;" thus alluding to Mr. Robert Tennent's brother William being sent to Fort George. He afterwards said it was the younger brother Samuel he had alluded to at the Exchange, against whom there was a warrant issued for being concerned in the riot of the 12th of July.

†County of } The Examinations of the
Antrim. } Rev. Edward May, a Magistrate for this County.
Who being duly sworn and examined, saith, that on Wednesday, the 18th day of August, having, in consequence of a requisition from the Sovereign of Belfast attended a meeting of the inhabitants; the Sovereign proceeded to state that for certain reasons then assigned, he did not consider it necessary to proceed in the

Does not know whether Mr. Tennent spoke in a loud or low tone.

Q. Do you still say that he seized you violently by the arm. A. I repeat it most solemnly, that he seized or grasped me by the arm and shook me very violently.

Q. Did he say, beware what you say of my brother, of a person who is absent. A. I really cannot say positively as to the very word, I was agitated by the forcible assault. It was just upon the elbow he seized me, and I then said, sir, you have assaulted me, I will commit you. Mr. Tennent laid hold of his right arm.

Q. Did you say *assault* or *touch*. A. I might have used both; would consider it a freedom in Mr. Tennent to lay his hand on him.

Q. Was Mr. Ferguson near you at that time? A. He was not so near as to observe accurately what passed.

Q. Did Mr. Tennent say surely Mr. May, though I had touched you, you would not put me in the black-hole. A. I cannot recollect whether he said so or not. When I seized him he made no resistance, but there were some persons cried rescue, Mr. Tennent did not countenance any attempt, no disturbance took place.

Thomas Ferner, Esq.

Is Sovereign of Belfast; he recollects the 12th of July; called a meeting of the principal inhabitants, in consequence of a requisition signed by about 40 inhabitants. Meeting was held on the 28th July; Mr.

business of the meeting, and therefore he did consider it as dissolved. That Mr. Robert Tennent then standing near the Sovereign, observed to the Sovereign, that the opinions of the Judges of the land were not to guide the proceedings of the town of Belfast, or words to that effect, when deponent observed that he, Robert Tennent, or persons of his cast, were not to direct the conduct of the Magistrate, upon which, he, the said Robert Tennent in an unruly manner seized this deponent by the arm in a violent and forcible manner, and did then shake him thereby contrary to the King's peace. And further deponent saith not. Taken, sworn, &c. 18th August, 1815.

MASSAREENE.

Magistrate for said County.

EDWARD MAY, Jun.

A True Copy, which I attest.

S. DARCUS, D. C. Peace.

May attended as a Magistrate. After some discussion, the meeting was adjourned to the 18th of August; saw the hand-bill circulated, but not by his authority; applied to Mr. May and Lord Massareene to attend as Magistrates, and also spoke to other Magistrates, Mr. McIlveen and Mr. Clarke; he waited on them with the hand-bill; requested them to call at the meeting as Magistrates, as if it was not attended by them, he could not tell what the result might be; went to the Exchange with Mr. May; Lord Massareene was there, but did not see him; it was the largest assemblage he had ever seen in Belfast; a large number of the very lowest class; objected to the meeting, as he did not think any thing could be discussed by such a mob; considered it his duty to dissolve the meeting; Mr. Getty said no assemblage was a mob, that did not proceed to riot, and that if it was so, it was a mob of witness' own collecting; witness said it was not the case, as the meeting was called by an anonymous hand-bill, and which hand bill he considered distributed for improper purposes, but would not have considered it hurtful to have distributed such a hand-bill generally; Mr. Getty and Mr. Ferguson both pressed for an adjournment to the Brown Linen-Hall, which witness declined; he then read the requisition, and said, that as the business had undergone the scrutiny of the law, and the verdicts of two Juries, and that the Judge had declared to the rioters, that they had been the occasion of it, therefore any discussion would be attended with an injurious tendency. Mr. Tennent said, I do not think the opinion of a Judge should have any effect on this meeting. Witness answered, "I dare say you do not, but I do; it is sufficient to guide my conduct, and therefore I dissolve the meeting." Mr. Tennent said, "surely you cannot dissolve it, nor can I suppose the opinion of any Judge can authorize you to do so." Witness said, "I did not expect to hear any other language from you; I am sure you have little respect for the opinion of a Judge, or for the law:" he replied, "how can you take upon you to say so?" Mr. May said, from your conduct and that of your brother, I dare say, it is the sentiments of you both. Mr. Tennent said, "how dare you say that of my brother, or make use of such expressions towards me." Mr. May said, "Sir I attend here as a Magistrate of this county, and I will not permit such language to be used." Mr.

Tennent replied, "Sir you should not say so of my brother," and stretched across and seized Mr. May by the arm and pulled it; Mr. Tennent appeared angry and warm. Mr. May immediately called out "if you attempt to lay hold of me, I will send you to the black-hole." Mr. Tennent still held him by the arm and shook him; upon which Mr. May seized Mr. Tennent by the breast, and there was some confusion. The constables took him into custody, which was the affair of a moment, and examinations were lodged against him before Lord Massareene. Mr. May wrote them; Mr. May seemed agitated, but not more so than was naturally to be expected from the circumstance. Mr. Tennent seemed inclined to treat Mr. May with great disrespect; cannot take upon him to say he hastened the prosecutor in his examination. A great crowd followed to the office hissing and hooting; Lord Massareene, as well as Mr. May recommended the dissolution of the meeting; recollects great hissing and hooting, when he attempted to dissolve the meeting. Previous to the adjourned meeting, one Magistrate who had signed the requisition, wrote to him to say that it was improper, and that it should not be held. Another on going into the country, desired witness to withdraw his name. Many persons were there who do not usually attend town meetings.

Cross-examined by Counsellor Gilmore.

Many respectable people attended the meeting on the 18th August; now, and on the former occasion, witness took the key of the rooms, in order that neither party should get exclusive possession of them; the necessary consequence of locking the door was the hustling of one another together; believes there were many gentlemen at the meeting whose sole motive it was to promote the public advantage, and some of those gentlemen wished the business to proceed; took notes of the occurrences next day; cannot swear to the precise words made use of, but only to the substance of the observations of Mr. Tennent, when he was alluding to the opinion of the Judge at Carrickfergus; thought the expression extraordinary to use before such a mob. Mr. Tennent was on his right, Mr. May on his left. Traverser laid hold of Mr. May by his left hand. [The Rev. Philip Johnson read from a law book the definition of an assault, and asked the leading question, if witness thought the traverser had acted in a manner to con-

stitute an assault. The witness replied, it was done in a rude manner, and as such constituted an assault.] Before Mr. Tennent assaulted Mr. May, he was not so near him, that he could touch him without stepping out of his place.

The Earl of Massareene

Attended the meeting on the 18th of August, but did not get near. The Sovereign requested his attendance as a Magistrate; considering the business unnecessary, from what passed at the Assizes, he resolved that he would dissolve the meeting, lest there should be any breach of the peace. Saw all classes of people there; some very respectable, the majority of the lower orders. Witness was on the outside of the railing at the Exchange; heard some hissing and some clapping; saw Mr. Tennent brought out; Mr. May said he had been assaulted; witness took the examinations; saw similar meetings about the year 1796, has seen tumultuous meetings before now, at one of which they threatened to throw him out of the window, when Arthur O'Connor wished the people to arm, [Counsellor Perrin, "This is not evidence, my Lord."] Mr. Tennent said to Mr. May, at the Sovereign's office, "You need not have been so much frightened." Mr. May replied, "I am not afraid of you or any man, but I wanted to protect the magistracy." Mr. Tennent observed, "a pretty protector you are of the magistracy." Witness did not observe any particular violence by Mr. Tennent.*

* The Earl of Massareene, on his examination stated, that Mr. Robert Tennent's manner towards Mr. May in the Court-house was insulting, but he mentioned nothing of Mr. May's and Mr. Verner's gross insults to wards Mr. Tennent at the same place. Lord Massareene also swore, that when the shaking of Mr. May by the arm was spoken of, Mr. Tennent said, "Why then did you mention my brother's name?" insinuating, that Mr. Tennent admitted he shook him by the arm. On the contrary, when Mr. May read that part of his examinations that he had been shaken violently by the arm, Mr. Tennent cautioned him against swearing to that effect, *for such a statement would not be correct.* Lord Massareene must have heard this declaration, as he was standing close beside them, as were also the other magistrates. Mr. May answered, that "he had sworn it, or would swear it, and abide the consequences."

B.M.M.

Cross-examined by Counsellor Perrin.

Mr. Tennent was taken in custody through the streets. This was unusual. Believes Mr. Tennent would have attended without having been brought in custody. Mr. May said to Mr. Tennent, if you mean William, I don't mean your brother William. There was no riot. They were more than an hour at the office. Several respectable inhabitants attended. Did not thrust himself into the crowd. No offence whatever was offered to the witness.

Stephen Daniel

Was in a situation at the meeting that he could see what passed. Heard the Sovereign dissolve the meeting, and make some observations; several opposed the dissolution of the meeting. Mr. Tennent said, that the opinion of the Judge was not sufficient to *guide* the opinion of the people of Belfast, or those who composed that meeting. Mr. May said, that might be the opinion of him or his brother. Mr. Tennent, who was two or three steps from Mr. May, came forward, in agitation, and seized Mr. May by the arm, not in a gentle way, but shook him. Mr. May said, "I am a magistrate of the County of Antrim; let me go, or I'll commit you;" a scuffle ensued, no blows, and witness was very happy to get out of the front. Cannot say who was between the Sovereign and Mr. Tennent.

Cross-examined by Counsellor Gilmore.

Was right before the Sovereign, about two or three paces distant, near to the centre door under the Exchange-rooms; cannot recollect half of the words which took place, but recollects the words used by Mr. Robert Tennent were nearly the same as he stated in his direct examination, because he paid particular attention to that part; cannot say he recollects the precise words used by Mr. May. Mr. Tennent seized Mr. May by the left arm, believes it was the left arm, but will not swear positively. Witness is well acquainted with Mr. Verner, and told him he could give evidence; had conversation with Mr. May last Saturday, but not as to the precise words of his evidence. At the meeting, when it was mentioned about the Brown Linen-Hall, witness observed they might as well adjourn to the Sugar-house.

James Law

Was at the meeting on the 18th of August, and near Mr. May all the time. After the opinion of the Judge and verdict of the Jury were mentioned, Mr. Tennent remarked, that "the opinion of the Judge

should not *influence* the inhabitants of Belfast." Mr. May said, "that was his opinion, and he supposed it was also the opinion of his brother." Mr. Tennent then stepped forward, and seized Mr. May by the arm, a little above the elbow, saying, "don't dare, Sir, to mention my brother's name with disrespect." Cannot say that it was violently. Mr. May said, "let me go, or I'll commit you."

Cross-examined by Mr. Perrin.

Witness was not agitated. Did not see Mr. Tennent shake Mr. May, use him violently, or drag him at all, but he saw him lay his hand on Mr. May; admits it was gently. Mr. Ferguson must have heard all that passed; is not sure that Mr. Ferguson saw all, but is sure he heard all.

[Here the case closed on the part of the prosecution.]

Counsellor Gilmore addressed the Court. He confessed it was not without some feelings of regret that he rose on the present occasion; not for fear of the verdict of the Jury, that it would affect his client either in his person or in his character; but he regretted that a gentleman of Mr. Tennent's respectability should be made the subject of such a prosecution, or that he should stand for a moment in the place usually allotted to culprits. He concurred in his learned friend's preliminary observations, that generally speaking, this was not a party question, and that there was nothing that occurred on the 18th August, which might not have happened to an Orangeman as well as to Mr. Tennent. It is admitted, on all hands, that the motives of those who signed it must have been good. But as several persons were then in prison for the offences committed on the 12th of July, it was considered by many that the discussion of the question at that time would not be productive of good; and the meeting was accordingly adjourned to the 18th of August. This determination did equal credit to those who proposed it, and to the meeting which adopted it, shewing, in a striking manner, the good sense and good temper of those present, it being thought better to postpone it till the trials were over. After the trials took place, it occurred to the inhabitants that there could be no objection to the discussion. Mr. May and Mr. Verner, however, thought it would be better that the business should sink into oblivion. Their motives were no doubt good; but there were also others of great respectability, who thought

that something might be done for preventing the recurrence of similar outrages to those which happened on the 12th of July. Mr. May did even admit that the meeting might afterwards take place, without further notice from the Sovereign: and the simple hand-bill which was circulated, could be for no other purpose but to remind them of the day to which the meeting had been adjourned. The meeting was numerous attended by people of respectability; and, it will not be wondered at, that many not of such opulence were also anxious to attend. Mr. May and Mr. Verner thought it right to prevent the meeting; but I shall contend that those who differed from them, were also entitled to enjoy their opinions. I acknowledge the greatest veneration for the constitution and the law of the land; but in my mind, a Judge and a Jury could not determine what was the proper line of conduct to prevent the recurrence of the unfortunate events alluded to. The causes, generally speaking, could not be investigated by a Judge and a Jury. They could punish the guilty, and thereby set an example: but they cannot take precautionary proceedings. There are none so well calculated to take measures of prevention as the inhabitants at large. In all meetings there will be men of different opinions, and is it to be visited on my client Mr. Tennent, because he was one of those who thought some measure might be adopted, to prevent such occurrences as the unfortunate events of the 12th of July. As to the expressions made use of, the witnesses do not exactly agree, and seemed to have mistaken his meaning. Mr. Tennent, it appears, was most perfectly inoffensive; and the substance of his observation was undoubtedly this, that the opinion of the Judge delivered on one point, was not to prevent discussion on another subject. How could the Judge tell what was the best mode of avoiding similar occurrences. He could say, and truly say, in his judicial capacity, that those who were at the commencement of the affray were the most guilty; but he could do no more. The expressions made use of by Mr. Tennent have been greatly misrepresented by some persons who attended the meeting; and it is to be observed, that Mr. May confessed he was so particularly flurried that he had to apply to others for an explanation of what he did himself say. The examinations of Mr. May were, that an allusion

had been made to a brother of Mr. Tennent's, but surely Mr. May would not have alluded to a person who was absent if he had not been under the effects of agitation. We shall produce to you witnesses, who well know the character of Mr. Tennent, who will tell you, that he is slow to anger, not rash in taking offence; and that though he felt his brother was impeached, he yet acted coolly and deliberately. The question decided by the Judge, was not the question to be decided at the meeting. He felt that his brother had been malign'd; at that time he had a staff in his right hand, but he neither used it in a threatening nor offensive manner: he merely stretched across, and laid his left hand on the arm of Mr. May, for the purpose of arresting his attention. Every one has some peculiarity in his gesture, and this it will be proved to you, is one of Mr. Tennent's.

He would address a few words on what constituted an assault: on referring to East's Crown Law, page 406, he found it thus described: "An assault is any attempt or offer with force and violence, to do a corporal hurt to another, whether from malice or wantonness; as by striking at him, or even by holding up one's fist at him in a threatening or insulting manner, or with such other circumstances as denote at the time an intention, coupled with a present ability of using actual violence against his person, as by pointing a weapon at him within the reach of it." And in Selwyn's Law of Nisi Prius, there is a decided case on the subject, where it is noted, that "*whether the act shall amount to an assault, must, in every case, be collected from the intention.*" In answer to the objection, that the plaintiff in that case, ought to have replied to the matter specially; Baron Legge overruled the objection, observing, "that the evidence was not offered by way of justification, but for the purpose of showing that there was not any assault, for it was the *quo animo* which constituted an assault, which was matter to be left to a jury." These authorities sufficiently determine, that an act done, is or is not an assault, but from the *intention* which governs that act. If this were not the case it would be monstrous; to lay your hand familiarly on a gentleman, to take him by the arm, or even to shake him by the hand, might, by a false construction, be interpreted into an assault. And he would put a question to the Jury. Is it likely that a person would use his left

hand, if he wished to offer violence to another? It was simply the laying on of the left hand, and that this is the general manner of Mr. Tennent, will be proved to you by gentlemen of the highest respectability. It will also appear to you that Mr. May at the time, laboured under great irritation of mind, and when under passion, was likely to draw inferences on false grounds. He had formed an intention of having the purpose of the meeting frustrated, and saw the obstacles to his purpose in an erroneous point of view. This was not the case with the persons we will produce. They saw it just as it happened. The altercation which took place will be described to you; in the result Mr. Tennent was taken to a place of confinement, and there remained for a considerable time. You are now, gentlemen, called upon to declare on your oaths, that the action of Mr. Tennent, was for the purpose of doing Mr. May a personal violence, and that it was an assault on him as a Magistrate. WHEN THE SOVEREIGN PRESIDES AT TOWN MEETINGS, IT IS A COMPLIMENT PAID TO HIM, AND HE HAS NO RIGHT TO THE CHAIR, MERELY IN VIRTUE OF HIS OFFICE; NOR CAN HE DISSOLVE A MEETING UNTIL SOME ILLEGAL ACT IS COMMITTED: it need scarcely be observed, that town meetings are not illegal, otherwise even the Chamber of Commerce would be unlawful. You have been called upon by your verdict to tranquillize the country. He fully concurred in that wish; but he conceived that object would be best obtained, by their finding, that a peaceable inhabitant of Belfast was not to be convicted of an assault for merely putting his hand on a gentleman, and that gentleman at the time in a passion. He did not ask the jury to give his client compensation for the injury he had sustained; but hoped they would have little hesitation in exculpating him from the offence with which he was charged.

WITNESSES FOR THE DEFENCE.

John S. Ferguson, Esq.

Attended the meeting on the 28th of July, to investigate the causes of the unfortunate events of the 12th, and to endeavour to prevent their recurrence. Witness agreed to be the proposer of certain resolutions to that effect. The meeting was adjourned to the 18th of August, which he also attended, and where there were many persons of respectability. It was generally considered,

that a meeting would be held that day, in consequence of the adjournment. Mr. Bradshaw was in attendance for the purpose of seconding the resolutions. It was past one o'clock before the Sovereign came; Mr. McClean had gone for him; he came with Mr. May, and had to press through the crowd. The Sovereign expressed himself, that it was not the kind of meeting they expected, and said he did not like to see such a mob, and thought he would best do his duty by dissolving the meeting, he was standing near the entrance to the rooms; witness moved to adjourn to the Brown Linen-Hall, which was objected to; witness was in front of the Sovereign and Mr. May, around whom there was a small vacant circle. Mr. Tennent was remonstrating with the Sovereign against dissolving the meeting, saying, that the charge of the Judge did not apply to the meeting as then assembled; nor ought to influence their proceedings. Mr. Verner said, he differed in opinion, and Mr. May made an observation warmly to the same effect. Mr. Tennent seemed to take amiss what Mr. May said against his brother, and said he should not speak of the absent; heard Mr. May say, "don't touch me, or I'll commit you." Witness at this time did not see Mr. Tennent touch Mr. May, but from Mr. May's speech he supposed he had touched him. Mr. Tennent said, you surely would not do that, even if I should touch you; or words to that effect. Saw prosecutor seize the traverser. If Mr. Tennent shook the arm of Mr. May, he did not observe it. After the words spoken by Mr. May, he saw Mr. Tennent touch him. He first saw Mr. Tennent after these words were used. Mr. Tennent did not shake him violently; if he had, witness would have seen it; he merely laid his hand on his arm, and did not appear offensive in the eyes of witness, but Mr. May might take it so. Mr. May was very warm; he had a sword cane in his hand, and saw him draw it up and down. Mr. Tennent was taken hold of by Mr. May and others, and taken to the Black-hole; there was no resistance but a great bustle; witness advised the people to be quiet.

Cross-examined by Counsellor Torrens.

Mr. Tennent and witness were of the same opinion respecting the expediency of the meeting; did not see the commencement of Mr. Tennent's movement towards the Sovereign, who, with Mr. May, had a better opportunity than he of knowing what took place; would believe both those

gentlemen on their oaths. The conduct of Mr. Tennent was temperate and quiet; did not hear him say to Mr. May, "you are a pretty champion of the magistracy;" if he had, he would not have thought it very becoming. If a person had said, "how dare you use such expressions of my brother?" would have thought such a person acted under the influence of an intemperate mind. Mr. Tennent seemed to come from the crowd when he addressed the Sovereign. *Witness would give up his own opinion to Mr. May and Mr. Verner.* Mr. May's drawing the sword up and down from the cane appeared to be rather in a thoughtless and unintentional manner.

Q. When you were asked whether Mr. May moved that cane up and down, don't you think that the object of the question was to impress the minds of the jury with the idea that he meant to oppose force by force?—A. The ingenuity of Counsel in putting these questions is such, that I really cannot pretend to say what is their meaning. Did not swear it would strike terror into the bystanders.

William Tucker

[Before being sworn, was asked by the Counsellor for the prosecution, if he believed in the Holy Evangelists? To which he replied, I do.—Counsellor Perrin objected to the question.]

Was at the meeting in August. After the Sovereign had declared that the meeting was dissolved, he said, he hoped none would be found to go in opposition to the Judge, who, from the bench, had delivered the law. Robert Tennent did not think the opinion of the Judge ought to have any influence on that meeting. Edward May observed, I don't doubt it may be the opinion of you, as well as your brother also. Robert Tennent said, "beware how you speak of an absent person," or words to that effect; he immediately made a step towards Edward May, and laid his hand on his arm; did not seize him violently, nor shake him; and if he had, witness must have seen it. Edward May said, "stand off, don't touch me, if you assault me, I'll commit you to the Black-hole." Robert Tennent replied, no, surely you will not do that, or words to that effect. Edward May said, you have assaulted me, and seized him by the collar, called for the constables, and ordered them to take him to the black-hole. Robert Tennent's manner was peaceable, quiet, and remonstrative.

Cross-examined by Counsellor Hamilton.

Could see all that passed; was behind two persons who stood in the front, and could see between their shoulders; saw what happened as well as the Sovereign, and the Sovereign as well as he. Robert Tennent was in front of the circle; John S. Ferguson was on the right of witness.

Robert M^r Adam

At the meeting on the 18th of August, was standing on the left of the Sovereign, with only one or two persons between them, and Mr. Tennent was on witness' right hand, or near to it; Mr. Tennent said, it would be wrong to dissolve the meeting, which was regularly convened, and injurious to the feelings of the people; did not hear Mr. Verner reply; Mr. May said, he did not think any person would fly in the face of the law as expressed at Carrickfergus; and he considered that the proceedings of the Judge ought to regulate that meeting. Mr. Tennent replied, that he did not think that the opinion expressed in that case should influence the conduct of this assembly. Mr. May observed, he did not doubt it was his opinion. Heard no more. Mr. Tennent was leaning on his stick with one hand, and stretched out the other, saying something, which the noise prevented witness from hearing. Mr. May seemed irritated and agitated, and drew back, saying, not to touch him, or he would send him to the black-hole. Witness could not distinctly observe whether Mr. Tennent touched Mr. May; if he had used violence and shook him, witness must have seen it. Mr. Tennent said, no, surely, you won't do that; you won't have recourse to that stretch of authority; or to that effect. The words were uttered in a perfectly calm way, in his usual tone of voice, which is rather mild and impressive. Witness has been often in his company. Mr. Tennent often uses his hand in speaking, as if to engage the attention of the person he is addressing. Saw Mr. May catch Mr. Tennent by the breast; he made no resistance, no struggle. During the whole time, there was nothing different from his usual manner.

Cross-examined by Counsellor Torrens.

Mr. Tennent only used his hand as usual; thought it strange that Mr. May should have behaved so; no other person between Sovereign and Mr. Tennent; the space was very trifling; does not know whether Mr. Tennent moved from his place; if he did, it could not be more than one step in advance. He did not

move his hand at the time he moved his leg; at the time he moved his leg, there appeared no apprehension on Mr. May's part. Cannot form a belief whether Mr. May was afraid of Mr. Tennent's touching him; thinks Mr. May and the Sovereign must have seen as well, or better, than witness. Q. If Mr. May and Mr. Verner had said, that they saw Mr. Tennent grasp Mr. May by the arm, don't you believe they would be speaking truth? A. I am not sure, Sir.—Q. Upon your oath, don't you mean to evade the question I have just put, by giving me that answer. Sir, don't you believe Mr. Verner, Mr. May, and Mr. Ferguson speak truth? A. I do.—Q. Now, Sir, if all these persons were to say that they saw Mr. Tennent grasp Mr. May by the arm, and that you should say that he did not, which should the Jury believe? A. The majority.—Q. Have you had, since the time of the occurrence, any conversation with Mr. Tennent respecting what took place upon that occasion? A. I have had some.—Q. Don't you believe that your recollection of the manner in which he stretched out his hand towards Mr. May is strengthened and flows from what he told you? A. Would you put that question again—*Counsel* No, Sir, and if you should wind like an eel in one of the adjacent streams I will follow you. Give me your answer? A. I took notes.—Q. When? A. The day after the occurrence.—Q. Where are they? A. They are here.—Q. Did you tell Mr. Tennent or his friends that you had notes? A. Yes, between seven and fourteen days after.—Q. Are your notes the same now that they were originally? A. I only put them in more extended words; but my evidence now is what I recollected at the time. My family think my memory is accurate, but it is better to be refreshed. Had some conversation before he changed his notes; altered them in no material part; did not vary them in any way, so as to unsay any thing he had put down in his former notes.

W. J. Orr

Described the conversation between Mr. May and Mr. Tennent; Mr. May said that the matter had been discussed by the Jury and Judge of the land; does not recollect the reply of Mr. Tennent, but Mr. May observed, he supposed those were the sentiments of him and his brother; Mr. Tennent made some reply, and in doing so, extended his arm in a gentle manner, and laid his fingers on the arm of

Mr. May; did not seize Mr. May violently, or shake him; must have seen it if Mr. Tennent had shaken him; his manner was neither violent, insulting, nor offensive; Mr. May was not very cool; he desired Mr. Tennent not to touch him, or if he did, he would send him to the black-hole; Mr. Tennent was going to reply, when Mr. May collared him.

In his cross-examination, he described the precise situation in which he stood at the meeting. Mr. Tennent, he said, extended his arm gently, in order to arrest Mr. May's attention.

John Charters

Was near Mr. Verner's right hand at the meeting; recollects Mr. Tennent saying that the opinion of the Judge had nothing to do with the meeting in Belfast; and stepping a pace forward, he put forth his left hand in the direction of Mr. May, and bade him beware of what he said of persons who were not present; he did this not in a violent way; he could not have used any violence without witness seeing it; Mr. May said if he touched him again he would send him to the black-hole; Mr. Tennent appeared very quiet; his manner was inoffensive; on being seized, he used no resistance; saw him some time before with a stick in his hand.

Cross-examined by Counsellor Torrens.

Witness is 17 years of age; knows Robert M'Adam, read over his notes for he said it might bring things to his recollection, but they did not remind him of any thing he did not know before; had some conversation at Ramsey and Garrett's with Mr. Tennent. Don't know what Mr. Tennent said at the time. It had no influence on witness as to his evidence now given. On a question from the counsel, if he understood his meaning, witness answered, "I believe your meaning is to try to puzzle me." Mr. Tennent's conversation in no manner refreshed his memory. Robert M'Adam's notes were left at Ramsey and Garrett's; does not think the notes were left to be shown to other witnesses. Although Mr. Tennent might have felt hurt at having his brother's name mentioned, he was not angry.

On a question from one of the Jury, witness declared the perusal of Robert M'Adam's notes had no influence whatever on his evidence.

John Hartley

Recollects Mr. Tennent stepping forward and speaking to Mr. May; he laid

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his hand gently on Mr. May's arm; he did it by no means violently; his manner was not at all insulting; witness had a full opportunity of seeing; Mr. May did not appear cool; he said, Sir, you must not lay hands or touch me, if you do, I'll have you put in the black-hole; Mr. Tennent seemed to remonstrate, and Mr. May immediately collared him.

On his cross-examinations, was agitated when Mr. Gilmore examined him, is not cool at present. It is natural for a man to be agitated, when brought to be examined before so many people. Took no notes; did not see any notes. Had no conversation with Mr. Tennent; never spoke to him three times in his life; does not recollect any conversation with Robert M'Adam on the evidence he was to give.

Robert Getty, Esq.

Stood about three paces distance from the Sovereign; thinks Sovereign treated Mr. Tennent with contempt; some conversation took place on the business of the meeting, and Mr. Tennent reached out his hand in his usual manner, as if to impress the subject he was speaking of; he laid his hand on one of Mr. May's arms; Mr. May said, don't touch me, or hold off me, or don't lay your hand upon me. Mr. Tennent's manner was neither offensive nor insulting; he did not shake Mr. May violently; he could not have done so without witness seeing it.

Cross-examined by Counsellor Torrens.

When Mr. Tennent was speaking to the Sovereign he did not raise his hand; he made use of his usual gesture towards Mr. May; does not believe he used that gesture because Mr. May had offended him; the confusion was great; does not think Mr. Tennent moved forward; he said, beware, and don't speak of my brother, who is absent, and this was subsequent to the putting his hand on Mr. May; cannot believe he is mistaken in the evidence he has given; saw no insolent or offensive manner in Mr. Tennent; not three minutes after the conversation, Mr. Tennent was seized; the seizure appeared to witness very extraordinary, and he was at a loss to account for it; witness has known Mr. Tennent for many years; his evidence is not at all actuated by friendship; conceives it must be favourable to him, as he could positively say his conduct was neither insulting nor offensive; it was his usual manner for he hardly ever speaks to any one without putting his hand on the person; positively swears he

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s a better judge of an insult from Mr. Tennent than either Mr. May or Mr. Verner, from his knowledge of Mr. Tennent's manner; saw no assault nor insult. Being asked if Mr. Verner had sworn contrary to his evidence, would he believe him?—he replied, he had given his evidence as he saw the transaction, and he did not care who had sworn to the contrary; he would believe his own senses.—Q. Whether do you think that Mr. May, who felt what Mr. Tennent did, or you should be best able to judge in such a case? A. He certainly must be the best judge of what he felt, but I am equally competent to judge of what I saw.—Q. If Mr. Verner saw all that you saw, and should be of a contrary opinion, don't you think that he is equally capable of judging? A. No, I do not think he is, for I have known Mr. Tennent so long and so intimately, that I should think myself better able to judge in such a case, than he could be.

[There were several other witnesses for the defence in attendance, but the Counsel did not think it necessary to call them.]

COUNSELLOR DOBBS, the Assistant-Barrister, very shortly addressed the Jury. He was prepared to recapitulate the evidence, but after the very patient investigation that had already taken place, it was scarcely necessary, at that late hour; more especially, as some of the Jury had taken notes during the trial. The simple subject for their consideration was, whether the assault was committed; and it was for them to decide, whether the laying of the hand on Mr. May was done in a mild way, or with an offensive intention. He observed, that there was no doubt that the slightest touch, even the holding up the hand in a threatening manner, is an assault; and it was for the Jury to consider all the circumstances of the case, and decide according to the evidence produced.

About ten o'clock, the Jury retired, and the Court adjourned. It sat again at twelve, but the Jury had not agreed on their verdict. Several adjournments of the Court took place from time to time, until *two o'clock the next morning*, when the Jury returned a verdict of **GUILTY!** An adjournment then took place till ten. After the Court had been opened, Counsellor Torrens, on behalf of the prosecutor, prayed the judgment of the Bench; but as there was not a full attendance of Magistrates, they deferred passing sentence until a quarter past eleven, when the Barrister (Mr. Dobbs) and the follow-

ing magistrates, Earl Massareene, Colonel Heyland, Thomas B. Adair, Dr. Macartney, Jackson Clark, Peter Aicken, retired, and after a consultation of about a quarter of an hour, returned into Court; upon which Mr. Dobbs addressed Mr. Tennent as follows:

“ROBERT TENNENT,

“You have been indicted for an assault on the person of Edward May, a Magistrate and Clergyman of Belfast, in the execution of his duty. You have been arraigned before a Jury of your countrymen; and after a most minute detail and investigation of all the circumstances, that Jury has pronounced you guilty.

“It was only in the power of the Jury to decide upon the simple fact of your guilt or your innocence; it was not in their power to connect with their verdict the peculiar circumstances attending the case; that is a duty reserved for the Bench in passing sentence, and they are to be guided by those circumstances, whether of mitigation or aggravation, in the extent of punishment they are to inflict.

“The circumstances of this assault have appeared to us *extremely violent*; and not merely those immediately relating to the assault, but also those which preceded it.

“The Bench have considered it necessary to attend particularly to the disrespect you had shown on that occasion to the Judges and Juries of the land, and to the Constitution of the country.

“You have thriven and grown rich. Those riches and that opulence you derive from the protection of our happy Constitution; that Constitution which is our pride and our boast; yet you have set your face against that Constitution; and of the authorities into whose hands the execution of it is delegated, you have expressed yourself in terms of the highest disrespect.

“We have been guided also in our sentence by the general interest this case has excited in the country,† and by the nature

* We form our estimate of objects according to the point of view in which we are placed. They who are in receipt of emoluments may praise the benefits of the happy Constitution. Others may think that the Constitution requires to be reformed, and that the many corruptions which have crept into it ought to be corrected.

B.M.M.

† A general interest has been indeed excited in the country. The verdict and

of the evidence which has been produced in the defence; and really, Mr. Tennent, I am persuaded you must have been surprised at the nature of it yourself; at least, it has appeared very extraordinary to me, and some of the gentlemen beside me.

"These circumstances have all had their weight with the Bench, and we are unanimous in the sentence, which is, that you pay a fine to the King of Fifty Pounds; and that you be imprisoned for THREE MONTHS in Carrickfergus Jail.

"I am sorry to be obliged to pass sentence on a Gentleman of your rank; but your rank and situation in society induce us to make the punishment the more severe. Were the offence committed by an ignorant person, we might impute it to his ignorance; but this is not the case with you.

"There is another circumstance which I had before omitted to state, and that is, that we consider it was an aggravation of the offence that it was offered to a clergyman. A clergyman has it not in his power to resent an insult in the same manner it could be done by another person; and we feel ourselves, therefore, the more called upon to protect them."

Counsel for the Prosecution, Robert Torrens, and F. Hamilton, Esqrs.—Agent, T. L. Stewart, Esq.

Counsel for Mr. Tennent, Louis Perrin, and J. B. Gilmore, Esqrs.—Agents, Messrs. Ramsey and Garrett.

sentence have not weakened the sensation produced by this most extraordinary transaction. The people will form their opinions in private, although the present state of the undefined law of libel, a part of our happy Constitution, forbids the expression.

B.M.M.

‡ Ought any sanction to be given, however indirectly, from the bench to support in the laity, the barbarous practice of duelling? Some of the clergy have been sufficiently ready to waive the privilege of the gown, when their passions have been concerned. The practice of duelling ought always to be reprobated both in laity and clergy.

B.M.M.

ROBERT TENNENT.

To the Editor of the Belfast Chronicle.

Sir,

In your paper of Saturday the 9th inst where you give an account of the trial of Thos. Verner, Esq. the present Sovereign of Belfast, at the Downpatrick Quarter Sessions, for an assault on Jane Barnes, I find it asserted by Thomas L. Stewart, Esq. Attorney and Agent for Mr. Verner, "That Dr. Tennent, with whom Mr. Verner and Mr. May had lately a difference at a town meeting in Belfast, and who was to be prosecuted at the Antrim Sessions, was one of the principals in this prosecution."

This statement, Sir, I consider Mr. Stewart to have made *professionally*, according to his instructions; but it is nevertheless a gross and most unwarrantable misrepresentation. I had no difference with Mr. Verner at any town meeting in Belfast; neither was I concerned as a principal in that prosecution; nor at all, farther than I shall now state.

On the Monday fortnight, I think it was, immediately before the trial, a man came and inquired for me at my office; being pointed out to him, he said he wished to speak to me in private, on which I went with him into the inner office. He said his name was Barnes, and related the circumstances of the case nearly as his wife has done in your account of the trial, only not so circumstantially; but merely saying, as to the personal attack upon her, that Mr. Verner had violently assaulted his wife, with the intention of committing a rape: in mentioning which, he appeared much affected, and burst into tears. I then asked him what he had done? he said, nothing yet: that his wife was in bed, and had been confined since Friday, the day they got home (and which was the day after the assault,) except for a short time that she had been at Chapel on Sunday; that her throat and breast were very sore, from the violence that had been offered her, and there were other injuries which she had received and would explain to a Doctor; and he wished for advice what to do, as he was nearly a stranger in the place.

After some consideration, I told him he ought to apply to an Attorney: and said, that as I was going to Messrs. Ramsey and Garrett's on business of my own, if he chose I would mention his situation to them. Accordingly, he followed me to

their office, and having concluded my business, I said to Mr. Ramsey, "This man (Barnes) has a strange affair to communicate, and I wish you to give him the best advice you can for the direction of his conduct," and then left them.

I never had seen or heard of Barnes before the interview just mentioned, and believe that I saw him only once afterward, when he came to the office accompanied by a woman, to whom I never spoke, but may have asked him if that was his wife; beside which, I think we did not interchange ten words, and I have not seen either of them since.

This, Sir, is the whole of my interference in this affair; and considering the circumstances, no impartial person can well suppose I could have done less.

After leaving Mr. Ramsey, I mentioned what Barnes had related to a gentleman, who reminding me of the situation in which I stood with Mr. May, Mr. Verner's brother-in-law, said an attempt at misrepresentation might be made, were I to be active in endeavouring to procure justice for the injury this poor man had sustained; on which I determined to have nothing more to do with the matter. It possibly was owing to this too cautious determination, that the event of the trial turned out so contrary to the expectations of poor Barnes. It possibly was owing to this that at the house of Major Fox, to whom she applied for justice as a Magistrate, she was exposed to the long and

torturing examination of Mr. May, in the presence of Mr. Verner, which, according to her own expression, as reported in your paper, "hobbled her." On the object of which examination, and the condescension of the brother-in-law of the accused becoming the clerk of the Magistrate, I shall make no comment. In short, it may have been owing to this determination that Lord Annesley found himself *compelled* to take the sense of the court, whether the woman should be indicted for perjury; that wrought a conviction in his mind, that there was a combination, *he knew not where*, that still confirmed him in the opinion, that she ought to be indicted for perjury. All I shall say farther on this subject is, to express a hope, that Lord Annesley will not allow his vigour to evaporate in opinion, but that he will bring forward his vaunted indictment; for I am as fully convinced as his Lordship can be, that there is a combination, *a wilful corrupt combination*, which this indictment might be the means of disclosing, together with some other *trifling* circumstances not brought forward at the trial.

And, reverting once more to myself, I trust, Sir, that the assertions made by Mr. Stewart in his statement, will never hereafter be taken by the public for more than *they are worth*, as you must perceive they stand in need of a commentary. I remain, Sir, &c.

ROBERT TENNENT.

Guel, Carrickfergus, 14th Oct. 1813.

DOCUMENTS RELATING TO PUBLIC AFFAIRS.

The following instances are so singular in the present times, that we are anxious to place them on record in our pages, as well to stimulate others to follow so good examples, as to show distant times that even at the present period there are some honourable exceptions to the overwhelming Orange fury which is so prevalent.

BUNCRANA CORPS.

"At an inspection of this Corps, on the 22d ult., it was proposed by Captain Todd, with a view to the prevention of party quarrels, which have been productive of such evil consequences in other parts of

the country, that the members of the corp should again take the oath of allegiance, with the addition, that they were not, nor never did intend to become Orangemen or Ribbonmen, nor to connect themselves with any other association, not authorized by the Government of the Country. At the same time, Captain Todd observed, that should any of the men have already attached themselves to either party, they should be entitled to the confidence of the corps, on candidly acknowledging their error, and expressing a determination to discontinue such practices; non-attendance on the day appointed should be considered as a rejection of the measure. The entire corps,